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RHMCSUU/DEPT OF ENERGY WASHINGTON DC
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UNCLAS SECTION 01 OF 02 LAGOS 000729

SIPDIS

SIPDIS

STATE FOR AF/W
STATE FOR INR/AA
DOE FOR CAROLYN GAY

E.O. 12958: N/A

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SUBJECT: Southern Nigeria Election Tribunals Rule On Challenges

11. (U) Summary: Election tribunals in Nigeria's southern states continued to hand down rulings, some of which may be appealed. Bayelsa and Ogun State tribunals ruled against Action Congress (AC) and All Nigerian People's Party (ANPP) challengers in governorship elections. House races were overturned in Oyo State. While the tribunal in Ekiti warned election officials that they would be arrested if they failed to comply with subpoenas, the Edo State Election Commissioner continued to ignore subpoenas with impunity. End Summary.

Bayelsa: Tribunal Upholds Governor Sylvia's Victory

12. (U) On November 5, Bayelsa State Election Tribunal dismissed AC Governorship Candidate Ebitimi Amgbare's petition. The tribunal ruled that Ebitimi failed to prove that the April 14 election was marred by irregularities. The tribunal also faulted Amgbare's claim that the governorship election really never took place in Bayelsa State. Accordingly, the tribunal upheld the election of Chief Timipre Sylva as governor.

Ogun: ANPP Candidate Failed to Confirm Affiliation

13. (U) On October 19, the Ogun State Election Tribunal dismissed the challenge to Governor Daniels' election filed by ANPP candidate Senator Ibikunle Amosun. The tribunal ruled that Amosun failed to establish under which political party he ran for governorship. The tribunal also dismissed two other petitions by ANPP candidates challenging the election of Ogun State House of Assembly members. As in Amosun's case, the tribunal said the ANPP challengers failed to establish to which political party they belong. Senator Amosun has alleged the tribunal members accepted bribes from Governor Daniels, but ANPP has not yet filed a legal action against the tribunal. The tribunal has not yet ruled on the petitions brought by Action Congress (AC) Governorship candidate Dipo Dina and by Democratic Peoples Alliance (DPA) candidate Gbenga Kaka.

Oyo: Five State House Elections Overturned

14. (U) The Oyo State Election Tribunal has ruled on five petitions involving the April 14 State House of Assembly election. The tribunal resolved three petitions against sitting House members and ordered that their opponents be installed. In two additional cases, the tribunal ordered fresh elections. The tribunal has yet to rule on three petitions challenging the election of the sitting governor. On October 26, ANPP Governorship candidate Abiola Ajimobi and AC

candidate Taoheed Adedija told Poloff that they believe the tribunal is proceeding fairly. Ajimobi predicted the tribunal will rule on the petitions before January 2008.

Ekiti: Police Aided Ballot-Snatching Thugs

15. (U) The Ekiti State Election Tribunal threatened to arrest three officials of the Independent National Electoral Commission (INEC) if they continue to ignore the tribunal's subpoena. The tribunal issued this warning following testimony from AC gubernatorial candidate Kayode Fayemi alleging INEC was frustrating his attempt to inspect election materials by failing to appear and to bring the relevant documents. On October 29, two key witnesses for Fayemi told the tribunal that the police aided thugs who snatched ballot boxes during the governorship election. They alleged that the thugs prevented voters from voting and forcefully took away ballot papers and other election materials. On October 31, the tribunal dismissed a People's Democratic Party (PDP) candidate's petition against the election of AC's Edward Ashaolu to the State House of Assembly. The tribunal also dismissed a petition filed by Adebayo Ayeni, United Nigeria Peoples Party (UNPP) governorship candidate.

Edo: Election Commissioner Defies Subpoena

16. (U) On October 30, the Edo State Election Tribunal again subpoenaed the Resident Electoral Commissioner, who failed to appear in response to a subpoena issued on September 28, to appear before the tribunal and bring with him election materials and documents. Following the failure to appear, AC candidate Adams Oshiomhole publicly predicted that he would emerge from the tribunal the

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winner. Sitting Governor Osunbor fired back, accusing Oshiomhole of attempting to intimidate the tribunal.

HUTCHINSON